

BEFORE THE BOARD OF OPTOMETRY
DEPARTMENT OF LABOR AND INDUSTRY
STATE OF MONTANA

In the matter of the proposed) NOTICE OF PUBLIC HEARING
amendment of ARM 8.36.409,) ON PROPOSED AMENDMENT
pertaining to fees)

TO: All Concerned Persons

1. On February 24, 2003, at 10:00 a.m., a public hearing will be held in room 471, 301 South Park Avenue, Helena, Montana to consider the proposed amendment of the above-stated rule.

2. The Department of Labor and Industry will make reasonable accommodations for persons with disabilities who wish to participate in this public hearing or need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Optometry no later than 5:00 p.m., February 14, 2003, to advise us of the nature of the accommodation that you need. Please contact Linda Grief, Board of Optometry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513; telephone (406) 841-2395; Montana Relay 1-800-253-4091; TDD (406) 444-2978; facsimile (406) 841-2305; e-mail dlibsdopt@state.mt.us.

3. The rule proposed to be amended provides as follows. New material is underlined, deleted material is stricken.

8.36.409 FEE SCHEDULE

(1) Original certificate of registration	\$125 <u>175</u>
(2) Annual renewal	75 <u>125</u>
(3) Penalty for late renewal	100 <u>150</u>
(4) Out-of-state license application	250 <u>300</u>
(5) through (7) remain the same.	

AUTH: Sec. 37-10-202, MCA

IMP: Sec. 37-1-134, 37-1-304, 37-10-302, 37-10-307, MCA

REASON: The Board of Optometry (Board) has determined that there is reasonable necessity to make the proposed fee changes in order to comply with the provisions of 37-1-134, MCA, and to keep the Board's fees commensurate with program costs. The Board estimates that approximately 297 persons (272 active licensees and 25 new applicants) will be affected by the proposed fee changes. The estimated annual increase in revenue is approximately \$16,395. Under the proposed fee schedule, the Board's projected annual revenue is \$40,085. The Board's appropriation for fiscal year 2003 is \$41,835. A legislative audit of the Business Standards Division required that all boards pay their portion of the costs of conversion to the Oracle database system. The Oracle reallocation for the Board is \$900 and is in addition to the appropriation for the Board. The reallocation is required to be paid in fiscal year 2003.

The Board's recharge will be increased by \$11,863 in 2004 and \$12,712 in 2005. The recharge calculation was based on the Board-allocated FTE. The percentage of total board allocated FTE was based on the daily time distribution sheet, personnel services charges for the HCLB, personnel allocation without investigator (4 FTE), HCLB Bureau budget, Business Standards Division recharge, and BSD Legal Allocation. The BSD has implemented the alternative pay plan with those increases reflected in the Board's recharge. The Board last raised its fees in fiscal year 1998.

4. Concerned persons may present their data, views or arguments either orally or in writing at the hearing. Written data, views or arguments may also be submitted to the Board of Optometry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, by facsimile to (406) 841-2305, or by e-mail to dlibsdopt@state.mt.us and must be received no later than 5:00 p.m., February 28, 2003.

5. An electronic copy of this Notice of Public Hearing is available through the Department and Board's site on the World Wide Web at <http://www.discoveringmontana.com/dli/opt>, in the Rules Notices section. The Department strives to make the electronic copy of this Notice of Public Hearing conform to the official version of the Notice, as printed in the Montana Administrative Register, but advises all concerned persons that in the event of a discrepancy between the official printed text of the Notice and the electronic version of the Notice, only the official printed text will be considered. In addition, although the Department strives to keep its website accessible at all times, concerned persons should be aware that the website may be unavailable during some periods, due to system maintenance or technical problems, and that a person's technical difficulties in accessing or posting to the e-mail address does not excuse late submission of comments.

6. The Board of Optometry maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this Board. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding all Board of Optometry administrative rulemaking proceedings or other administrative proceedings. Such written request may be mailed or delivered to the Board of Optometry, 301 South Park Avenue, P.O. Box 200513, Helena, Montana 59620-0513, faxed to the office at (406) 841-2305, e-mailed to dlibsdopt@state.mt.us or may be made by completing a request form at any rules hearing held by the agency.

7. Darcee Moe, attorney, has been designated to preside over and conduct this hearing.

8. The Board of Optometry will meet via telephone on March 3, 2003, 8:00 a.m. at the Board offices, 301 South Park Avenue, Helena, to consider the comments made by the public, the responses to those comments, and take final action on the proposed amendments. Members of the public are welcome to attend the meeting and listen to the Board's deliberations, but the Board cannot accept any comments concerning the proposed amendments beyond the February 28, 2003, deadline.

9. The bill sponsor notice requirements of 2-4-302, MCA, do not apply.

BOARD OF OPTOMETRY
LARRY OBIE, CHAIRMAN

/s/ KEVIN BRAUN
Kevin Braun
Rule Reviewer

/s/ WENDY J. KEATING
Wendy J. Keating, Commissioner
DEPARTMENT OF LABOR & INDUSTRY

Certified to the Secretary of State, January 17, 2003.